

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

ROCHELEAU, ANDREW J AND
ROCHELEAU, STEPHANIE A

Case No. 18-03859-JTG

Chapter 12
Hon. John T. Gregg
Hearing: None

Debtor(s)

TRUSTEE'S MOTION TO DISMISS CHAPTER 12 CASE

Marcia R. Meoli, chapter 12 trustee, states:

1. Debtor(s) ("Debtor") commenced this chapter 12 case on September 10, 2018 (the "Date of Filing").
2. Marcia R. Meoli is the Chapter 12 Trustee.
3. The plan has not yet been confirmed.
4. The Debtor has not accomplished certain duties that trustee submits are necessary in order to receive relief under chapter 12 of the Bankruptcy Code. Particularly for this motion, the Debtor has not obtained any insurance on any farm-related assets or provided proof insurance on 2 vehicles which the Debtor indicates are property of the bankruptcy estate: a 1992 Honda Goldwing and a 2001 Ford F150.
5. The Bankruptcy Code requires the trustee to:
 - A. Be accountable for all property of the estate. 11 USC 1202 (b)(1) and 704 (a)(2). Trustee cannot adequately account for property of the estate unless it is adequately insured. If something happens to the uninsured assets, there would be no source of funds to repair or replace such assets. Trustee believes that assets of the estate should be adequately insured in order for the Debtor and such property to enjoy continued protection under the Bankruptcy Code.
 - B. Investigate the debtor and the debtor's business and the desirability of continued operation of such business and any other matter relevant to the case or the formulation of a plan. 11 USC 1202 (b)(2) and 1106 (a)(3). Trustee submits that it is not proper for Debtor to operate the farm business without adequate insurance. Continued operation of this business is not desirable

without this.

C. File a statement of any investigation including a report of any mismanagement or irregularity in the management of the affairs of the debtor. 11 USC 1202 (b) (2) and 1106 (a) (4). Trustee alerted the debtor attorney and potential interested parties about this just after the meeting of creditors, held on October 24, 2018. Trustee has received no response from the debtor attorney regarding this matter and understands from one secured creditor that there is no "forced-placed" insurance on the farm assets. Trustee further understands that this secured creditor has requested, but has not received, permission to view its collateral since the Date of Filing.

6. Grounds therefore exist to dismiss this case. 11 U.S.C. § 1208(c):

A. Unreasonable delay, or gross mismanagement, by the debtor that is prejudicial to creditors. 11 U.S.C. § 1208(c) (1)

B. Potentially: Loss to or diminution of the estate and absence of a reasonable likelihood of rehabilitation. 11 U.S.C. § 1208(c) (9). If something happens to the uninsured assets, there would be no source of funds to repair or replace such assets.

WHEREFORE, the Trustee requests that this Court:

A. Dismiss this Chapter 12 case.

B. Grant further relief deemed just.

November 1, 2018

MARCIA R. MEOLI, PLLC
Attorneys for trustee

By: /s/Marcia R. Meoli_____
Marcia R. Meoli (P42182)

1180 Ottawa Beach Road, Suite A
Holland, MI 49424
616.396.2124